

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

INSTITUTE FOR DISABILITIES  
RESEARCH AND TRAINING, INC.,

Plaintiff,

v.

WAL-MART STORES, INC.,

Defendant.

Case No. 05-176-GMS

**DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTIONS  
TO ALTER OR AMEND JUDGMENT AND FOR ENLARGEMENT OF TIME**

Defendant Wal-Mart Stores, Inc. ("Wal-Mart") opposes Plaintiff's Motion to Alter or Amend Judgment, filed October 25, 2007, on the grounds that Wal-Mart filed a notice of appeal the same day and the Court presently lacks jurisdiction to consider the motion. *United States v. Lafko*, 520 F.2d 622, 627 (3d Cir. 1975); 20 MOORE'S FEDERAL PRACTICE § 303.32 (Matthew Bender 3d ed. 2007).

For the same reason, Wal-Mart opposes Plaintiff's Motion for Enlargement of Time filed on October 25, 2007.

POTTER ANDERSON & CORROON LLP

By

  
Gregory A. Inskip (ID No. 270)

Hercules Plaza, 6<sup>th</sup> Floor  
1313 North Market Street

P.O. Box 951

Wilmington, Delaware 19899-0951

(302) 984-6000

*Attorneys for Defendant Wal-Mart Stores, Inc.*

Dated: November 8, 2007

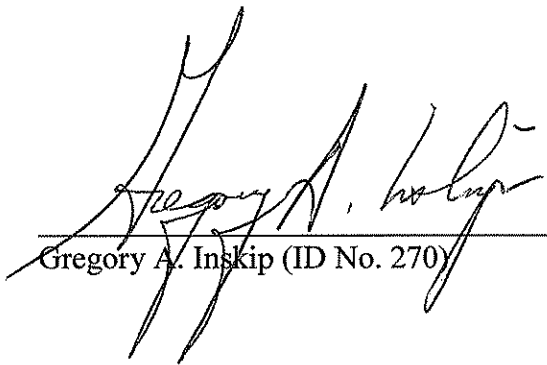
829507 / 29009

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**CERTIFICATE OF SERVICE**

I, Gregory A. Inskip, hereby certify that on this 8<sup>th</sup> day of November 2007 a copy of Defendant's Response to Plaintiff's Motions to Alter or Amend Judgment and for Enlargement of time was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following and the document is available for viewing and downloading from CM/ECF:

Patricia Rose Uhlenbrock, Esquire  
Morris James LLP  
500 Delaware Avenue, Suite 1500  
Wilmington, DE 19801



---

Gregory A. Inskip (ID No. 270)